

ROCHESTER CITY COUNCIL

REGULAR MEETING

JANUARY 16, 2007

Present – President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

**DRYS**

- \*Gilberto Cortes
- \*William DeCoste

**RFD**

- Firefighter Bruce Costello
- Lieutenant Samuel Imburgia
- Deputy Fire Chief Jerome Telfair
- \*Lieutenant Frank Lobene

**RPD**

- \*Officer David Benitez
- \*Lieutenant Michael Kozal
- \*Officer Carol Ann Kretovic
- \*Robert Luksch

**LIBRARY**

- \*Joan Hopkins
- \*Maureen Whalen
- \*Thomas Blanda

*\*Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of December 16, 2006 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Tuesday, January 16, 2007

Notice of Environmental Determination 3870-7

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3871-7

The Director of Zoning Submits Notice of Environmental Determination 3872-7

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

1. Monroe/Boardman/Wilmer Pedestrian Improvement Project Petition No. 1620
2. Keep City Curfew Permanent Petition No. 1621

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The 2005-06 Consolidated Community Development Plan By Transferring Funds To The Industrial Loan Program, Appropriating Funds And Approving Agreements Int. No. 5 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of 286 Berlin Street For The Rochester City School District Int. No. 6 1 speaker Andrew Wheatcraft.

Changing The Zoning Classification Of 105 And 107 Hickory Street From R-2 Medium Density Residential To C-2 Community Center Int. No. 7 No speakers.

Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street, As Subdivided And Combined With 117-125 Highland Parkway, From Institutional Planned Development (IPD)-Colgate Rochester Divinity School, To R-1 Low Density Residential Int. No. 22 No speakers.

#### REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin  
January 16, 2007

To the Council:

The Housing And Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 3 - Acceptance Of Library Grants And Amending The 2006-07 Budget

Int. No. 4 - Amending The 2006-07 Budget With Respect To Property Management Funds

Int. No. 20 - Amending The Municipal Code With Respect To Real Estate

Int. No. 21 - Resolution Amending The Policy For The Sale Of City-Owned Real Property To Tax Exempt Organizations

The Housing & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 5 - Amending The 2005-06 Consolidated Community Development Plan By Transferring Funds To The Industrial Loan Program, Appropriating Funds And Approving Agreements

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Int. No. 6 - Authorizing The Acquisition By Negotiation Or Condemnation Of 286 Berlin Street For The Rochester City School District

Int. No. 7 - Changing The Zoning Classification Of 105 And 107 Hickory Street From R-2 Medium Density Residential To C-2 Community Center

Int. No. 22 - Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street, As Subdivided And Combined With 117-125 Highland Parkway, From Institutional Planned Development (IPD)-Colgate Rochester Divinity School, To R-1 Low Density Residential

Int. No. 419 - Authorizing The Sale Of Real Estate For The Mildred Johnson Estates Affordable Housing Project

Int. No. 420 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mildred Johnson Estates Affordable Housing Project

Int. No. 421 - Approving A Loan Agreement For The Mildred Johnson Estates Affordable Housing Project

The following entitled legislation is being Held in committee:

Int. No. 2 - Amending Ordinance No. 2005-208 Relating To The Sale Of Real Estate

Respectfully submitted,  
Carolee A. Conklin  
Benjamin Douglas  
John F. Lightfoot  
Lois J. Giess (*Did not vote on Introductory No.'s 1 thru 4*)  
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-1 And  
Ordinance No. 2007-11  
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of nineteen properties, and amending a prior ordinance relating to the sale of real estate. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes, with the exception of the purchaser of 563 Clifford Avenue and the purchasers of unbuildable vacant land. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

#### Property Sales

The first three properties are structures that were sold at public auction. The purchasers will be required to rehabilitate the structures within nine months of closing.

The next property is a vacant lot that is being sold to the adjoining owner. The purchaser will combine the parcel with his adjoining property.

The next two properties are vacant lots that were sold at public auction, subject to the acceptance of a development proposal. The purchaser of 563 Clifford Avenue will develop the parcel as a parking lot. The purchaser currently owns a vacant structure located at 555 Clifford Avenue that has been cited for code violations, however the structure has been secured and the purchaser intends to renovate it in the future for use as administrative office space. The property located at 25 Edward Street will be combined with the purchaser's adjoining property.

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The next property is a structure that is being sold for its appraised value. The structure will be rehabilitated as a multi-use community structure.

The last twelve properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Amendment

The Division of Real Estate is requesting that Ordinance #2005-208 which authorized the sale of 392 Jay Street to Nothnagle Property Management, LLC be amended to authorize the sale of 392 Jay Street to David T. Nothnagle. Only one member, David T. Nothnagle, is interested in completing the renovation of the structure and taking title to the property.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-1

Ordinance No. 2007-1  
(Int. No. 1, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address	S.B.L.#	Lot Size	Price	Legal Use	Purchaser
85 Evergreen St	106.38-1-7	40x115	\$4,900	1 Family	Angel Cuebas
72 Joseph Pl	091.80-1-43	35x110	5,000	1 Family	Desmond James O'Neill
972 North St	106.34-1-78	39x142	6,500	1 Family	Rosendo Pimentel

Section 2. The Council hereby further approves the negotiated sale of the following parcel of vacant land with proposal:

Address	S.B.L.#	Lot Size	Price	Purchaser
8 Algonquin Ter	120.42-1-53	45x100	\$2,000	Roger Steves

Section 3. The Council hereby further approves the sale of the following parcels of vacant land with proposal through regular auction:

Address	S.B.L.#	Lot Size	Price	Purchaser
563 Clifford Ave	106.31-4-26	40x151	\$50	Baden St. Settlement of Rochester, Inc.*
25 Edward St	106.40-3-41.1	65x99	50	St. John Baptist Church**

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\*Officers: Jeff Clark-President; Kelly Glover-Vice President; Vincent A Leo-Treasurer; Scott Adair-Assistant Treasurer; Robin Stein-Secretary

\*\*Officers: Dan Butler-Chairman of Deacon Board; Frank Richards-Chairman of Trustee Board

Section 4. The Council hereby further approves the negotiated sale of the following improved property with proposal:

Address	S.B.L.#	Lot Size	Price	Purchaser
616 & 630 N. Goodman St.	106.68-2-94&72	Irregular	\$1,500	North East Area Development, Inc.*

\*Board of Directors: Thomas Banister-President; Donna Blake-Vice President; Robert Shewell-Secretary; Jaunita Ball; Diane C. Russell; Eloise Henry; Jimmie Highsmith, Jr; Mary Anne Lipani-Sample; Leanne Statopoli

Section 5. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	S.B.L.#	Lot Size	Sq. Ft.	Purchaser
436 Avenue D	091.78-3-48	37x118	4460+/-	[Mercedes Valantin & Lora Rivera] <u>Valantin &amp; Mercedes B. Lora</u>
20 Barons St	106.32-3-13	28x140	4368+/-	Carlos <u>Rosa &amp; Rosa</u> Laguer [Rosa]
532 Bay St	106.44-3-20	38x101	3842+/-	Heriberto & Evelyn Leon
1323 Clifford Av	106.35-3-7	36x124	2457+/-	Mark Sanders
61 Ferndale Cres	106.60-4-10	36x104	3406+/-	Larry M. [McColough] <u>McCollough</u>
E ½ of 300 Flint St	Pt. of 120.76-1-41	18x100	1800	William G. Peck
W ½ of 300 Flint St	Pt. of 120.76-1-41	18x100	1800	Jose Raul Martinez
87-89 Jefferson Av	120.35-4-5	32x90	2880	Samuel & Eula Buckner, Jr.
418 Orange St	105.82-3-57	25x140	3522+/-	Charlene P. Murphy
736 South Av	121.72-3-73.2	2x109	218+/-	David E. Halter
N ½ of 96 Violetta St	Pt. of 121.69-3-29	16x99	1634+/-	Arthur O. Pieper, II
S ½ of 96 Violetta St	Pt. of 121.69-3-29	16x99	1634+/-	Housing Opportunities, Incorporated*

\*Officers: Germaine Knapp-Chairman; David Dworkin-Treasurer; Bryan Hetherington-Secretary

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-11 appears on page \_\_\_\_\_ of the current Council Proceedings.

TO THE COUNCIL  
Ladies and Gentlemen:

Tuesday, January 16, 2007

Ordinance No. 2007-2  
Re: Budget Amendment - Central  
Library PBX and Voice Mail  
Telephone System Replacement

Transmitted herewith for your approval is legislation amending the 2006-07 Budget of the Central Library by \$92,863 to reflect the receipt and use of a grant from the Schools and Libraries Corporation E-Rate Program. These funds will be used to cover 90% of the replacement cost of the Central Library's PBX and Voice Mail Telephone System. The remaining 10% of the costs will be funded from the 2006-07 Budget of the Central Library.

The 1996 Federal Telecommunications Act set up the Universal Service Administrative Company to administer the E-Rate Program. The Schools and Libraries Division of the USAC makes discounts available to schools and libraries for telecommunications services, internet access, and internal connections. The program is intended to ensure that schools and libraries have access to affordable telecommunications and information services. The amount of the discount is based on the area's poverty rate, determined by the school lunch program. Due to the high poverty level in Rochester, our reimbursement rate is 90%.

Respectfully submitted,  
Robert Duffy  
Mayor

Ordinance No. 2007-2  
(Int. No. 3)

#### Acceptance Of Library Grants And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of Schools and Libraries Corporation E-Rate Grants for the replacement of the Central Library's PBX and Voice Mail Telephone System.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$92,900, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-3  
Re: Budget Amendment - Department  
of Community Development

Transmitted herewith for your approval is legislation amending the 2006-07 Budget by transferring \$70,000 from the Property Management Account to the Department of Community Development Budget, and authorizing these funds for costs related to the management of City-owned properties.

The Property Management Account is funded from rent paid on City-owned, tenant-occupied housing. The transfer to the operating budget will allow continued payments for management of properties acquired through tax foreclosure and other means while they remain in City ownership.

The funds will be used to cover property management expenses through the end of 2006-07 for the Valley Court Apartments and for occupied properties acquired by foreclosure. Expenses include items such as eviction costs, utility charges, trash removal, snow plowing, advertising, material costs, and miscellaneous repairs. The fund transfer is being made at this time in preparation for a rise in expenses that is

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anticipated in the coming months. In January, the City will acquire properties through tax-foreclosure which may be rented on a short-term basis, or may need to be vacated. During heating season, there is a steep rise in utility costs at Valley Court Apartments, which has a central heating unit. The \$70,000 excludes management fees and labor expenses, which are paid through a professional services agreement with R.D.F Management.

The unencumbered balance remaining in DCD's operating budget for property management expenses is approximately \$75,000. The estimated amount needed for evictions and property expenses through the end of the fiscal year is \$145,000. Therefore, a fund transfer in the amount of \$70,000 will be needed.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-3  
(Int. No. 4)

Amending The 2006-07 Budget With Respect To Property  
Management Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$70,000, which amount is hereby appropriated from the Property Management Account to fund the management and development of City-owned properties.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-4 And  
Resolution No. 2007-1  
Re: City Code Amendments - Real  
Estate Policy

Transmitted herewith for your approval is legislation relating to the procedures for certain real estate transactions. This legislation will:

1. Amend Resolution 2001-15 to revise guidelines concerning sales to tax-exempt organizations. This revision will allow City-owned structures, originally constructed as houses of worship, to be eligible for tax exemption when purchased by a buyer for tax exempt use;
2. Amend Section 21-16 of the City Code regarding the eligibility of purchaser. This amendment will:
  - a. Provide a means whereby purchasers may rectify past noncompliance with Housing Court through payment of tickets and correction of the related violations, and
  - b. Restrict sale to purchasers who have been involved in fraudulent activity related to City property; and
3. Amend Section 21-10 of the City Code to include a procedure for the sale of real estate to former owners of properties acquired via County foreclosure.

Resolution 2001-15

Section 21-11 of the City Code, authorizes the Director of Real Estate to sell property to a tax-exempt organization in accordance with guidelines adopted by the Council. The current guidelines, adopted on September 25, 2001 (Resolution 2001-15), permit the sale of a property to a tax-exempt purchaser under

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certain circumstances, including a stipulation that “the organization waives its tax-exempt status for five years and agrees to pay taxes for that period of time.” The purpose of this was to increase the City’s tax collections by returning City-owned property to taxable status.

This is a reasonable guideline when applied to structures with potential to be used for taxable purposes. However, this also means that a church group that purchases and renovates an abandoned church building would not be eligible for tax-exemption for a period of five years. It should be recognized that structures that were designed to serve as churches, synagogues, mosques, and temples are special use buildings that are not readily adaptable for other uses. While buildings of this type are occasionally retrofitted for non-religious uses, in most instances the alternative use is also a not-for-profit enterprise, as in the case of community centers and performing arts venues. The revised guidelines will allow a tax-exempt purchaser to maintain their right to tax exemption, provided that the City-owned building purchased was originally constructed as a house of worship.

For all other categories of structures and for vacant land, the 5-year waiver of tax-exempt status would apply. Eligibility for property tax exemption is contingent upon approval of an application that is made to the Bureau of Assessment by the purchaser after taking title to the property.

#### Section 21-16

The current guidelines prohibit purchasers from buying City-owned property if they “have been held in contempt of a housing court order for failure to abate code violations”, or “have been found guilty of code violations by a Municipal Code Violations Bureau hearing examiner within the previous five years”. There is no relief from the five year period specified, even when the property owner has satisfied the housing court or code violation ticket. Therefore, a property owner who unsuccessfully appeals a ticket, and subsequently pays the fine would have to wait for five years before being eligible to purchase City-owned property. The new guidelines will allow the remedy for violations to be *either* payment of all outstanding tickets and correction of the violations, *or* expiration of a five-year waiting period.

Section 21-16 revisions will also create a new category of ineligible purchasers - those who have engaged in fraudulent activity in connection with the sale of a City-owned property. This will permanently prohibit an individual or entity from participating in City sale programs if that purchaser has committed fraud in connection with a City-owned property.

#### Section 21-10

There is currently no means to authorize a sale to a former owner of County-foreclosed property, due to a recent change in real estate procedures. Ordinance No. 2006-94 established a new procedure whereby a City tax foreclosure action against a property may be canceled by court order in cases where it is deemed in the City’s best interest to do so. The new procedure is an improved method of reconveying title to a former owner, but applies only in instances where the City acquires a property directly through an in-rem foreclosure action, and cannot be used in cases where a property has been deeded to the City by the County of Monroe following a foreclosure action by the County. This amendment will authorize the City to convey title to former owners of County foreclosed properties at the City’s discretion and where it is deemed in the City’s best interest to do so.

For this type of sale, former owners will be required to pay all City taxes arrears, delinquent water bills, any other City charges, interest to the date of payment, a ten-percent penalty, the cost of a title report, all current taxes, all cancelled and outstanding County taxes and Pure Waters charges. Purchasers will be screened in accordance with § 21-16 of the Municipal Code. Former owners may also be disapproved for repurchase due to previous noncompliance with City codes, criminal activity or nuisance points on a parcel currently or formerly owned by the former owner, default in a demolition hearing, or default on a City grant or loan agreement. Former owners who are occupants of a building shall be required to execute a standard City rental agreement. If the sale is not completed, the City may deduct any back rent owed from deposits made by the former owner as part of the purchase price. The former owner shall be required to obtain a certificate of occupancy within a certain time after City Council’s approval of the sale, as established by the Director of Real Estate. Title shall transfer to the former owner after issuance of the certificate of occupancy. This method of conveyance will permit the reinstatement of any liens against a property that had been canceled as a result of the foreclosure, upon title transfer to the former owner, under the Common Law doctrine of delinquent purchaser.



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This amendment will advance the City's goals of returning properties to the active tax roll, decreasing the number of properties in City ownership, and promoting responsible private property ownership.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-4  
(Int. No. 20)

Amending The Municipal Code With Respect To Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 21-10 of the Municipal Code, Cancellation of tax foreclosure deeds, as amended, is hereby further amended by amending the title to read "Cancellation of City tax foreclosure deeds and sales to former owners of County foreclosures", by designating the current paragraph thereof as Subsection A, and by adding thereto the following new Subsection B:

- B. Former owners shall not have an absolute right to repurchase a property taken through County tax foreclosure proceedings and deeded to the City. The former owner may repurchase said property only at the discretion of the Director of Real Estate. Where sale of such a foreclosed property to the former owner is deemed to be in the City's best interests by the Director of Real Estate, the sale price shall consist of all City tax arrears, delinquent water bills, Pure Waters charges previously paid by the city and any other city charges, interest to the date of payment, a ten-percent penalty, the cost of a title report and all current taxes. The former owner shall also pay all current County taxes and charges and all County taxes and charges which had been canceled through the foreclosure proceedings. The Director of Real Estate may establish rules and regulations governing the eligibility of the various categories of former owners and governing the time period in which they may elect to repurchase their former property. Former owners shall be screened in accordance with Section 21-16 of the Municipal Code. Former owners may also be disapproved for repurchase due to previous non-compliance with city codes, criminal activity or nuisance points on a parcel currently or formerly owned by the former owner, default in a demolition hearing, or default on a City grant or loan agreement. Former owners who are occupants of a building shall be required to execute a standard city rental agreement. If the sale is not completed, the city may deduct any back rent owed from deposits made by the former owner as part of the purchase price. The former owner shall be required to obtain a certificate of occupancy within a certain time after City Council approval of the sale, as established by the Director of Real Estate. Title shall transfer to the former owner upon obtaining the certificate of occupancy. Any liens against a property that had been canceled as a result of the foreclosure shall be reinstated upon transfer of title to the former owner.

Section 2. Section 21-16 of the Municipal Code, Eligibility of purchasers, as amended, is hereby further amended by amending the first sentence of Subsection B thereof to read in its entirety as follows:

Purchasers who have engaged in fraudulent activity in connection with the sale of a City-owned property, who have lost real property through tax foreclosure proceedings within the previous five years, who own property within the City of Rochester for which taxes are not current, who have had a sale canceled by the City of Rochester within the previous three years, who own property within the City of Rochester that is in violation of City codes, who have been held in contempt of a court order for failure to abate code violations within the previous five years, or who have unsatisfied judgments in the Municipal Code Violations Bureau within the previous five years, shall be ineligible to purchase property from the City.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2007-1  
(Int. No. 21)

Tuesday, January 16, 2007

Resolution Amending The Policy For The Sale Of City-Owned Real  
Property To Tax Exempt Organizations

BE IT RESOLVED, by the Council of the City of Rochester, as follows:

Section 1. Resolution No. 2001-15, establishing the policy of the City not to sell city-owned real property to tax exempt organizations except in certain cases, is hereby amended by adding thereto the following new exception:

- e. The building being purchased was originally constructed as a house of worship.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-5  
Re: Consolidated Community Development  
Plan/Annual Action Plan - Amendment

Transmitted herewith for your approval is legislation amending the 2005-06 Consolidated Community Development Plan/Annual Action Plan by transferring a total of \$500,000 from the following allocations to the Industrial Revolving Loan Fund account of the Promote Economic Stability allocation:

Support Neighbors Building Neighborhoods	\$123,543
Promote Economic Stability (various accounts)	\$ 68,137
Improve the Housing Stock and General Property Conditions/Rehab	\$171,549
General Community Needs/Human Services	\$ 88,055
Other Programs/Indirect Costs	\$ <u>48,716</u>
Total	\$500,000

This legislation will also:

Appropriate \$500,000 from the 2005-06 Consolidated Community Development Plan/Annual Action Plan for the Industrial Revolving Loan Fund, and authorize any necessary agreements to implement these programs.

The Industrial Revolving Loan Fund provides loans to industrial or manufacturing businesses for real estate, machinery/equipment, or working capital purposes. An equity investment is required. The loan will be converted to a grant in cases where the business meets predetermined job generation goals.

A public hearing is required.

Respectfully submitted.  
Robert J. Duffy  
Mayor

Attachment No. AG-2

Ordinance No. 2007-5  
(Int. No. 5)

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Amending The 2005-06 Consolidated Community Development Plan  
By Transferring Funds To The Industrial Loan Program,  
Appropriating Funds And Approving Agreements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 2005-06 Community Development Program Plan whereby funds will be transferred to the Industrial Loan Program (\$500,000) within the Promoting Economic Stability Allocation. These funds will be transferred from the Neighbors Building Neighborhoods Allocation (Planning - \$27,783 and Neighborhood Initiatives - \$95,760), Promoting Economic Stability Allocation (Business Support and Development - \$9,672, Economic Development Administration - \$34,584, and Industrial Development - \$23,881), Improving the Housing Stock and General Property Conditions Allocation (Housing Rehabilitation - \$171,549) General Community Needs Allocation (Human Services Planning and Monitoring - \$88,055) and Other Programs Allocation (Indirect Costs - \$48,716).

Section 2. The sum of \$500,000, or so much thereof as may be necessary, is hereby appropriated from the Promoting Economic Stability Allocation of the 2005-06 Community Development Program to fund the Industrial Loan Fund.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement this Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The Director of Finance shall record all transfers made herein and shall have the authority to make adjustments to the amounts set forth above which may have changed prior to the date of this ordinance.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Introductory No. 6

Re: Acquisition - 286 Berlin Street

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of 286 Berlin Street for the Rochester City School District. Pertinent information regarding the acquisition parcel is as follows:

<u>Address</u>	<u>Owner</u>	<u>Lot Size</u>	<u>Type</u>	<u>Acquisition Amount</u>
286 Berlin St.	Natalie Webb	40 x 81.93	Vacant Land	\$400

The acquisition is part of the School District's capital improvement project for the transportation, maintenance, storehouse and food service operations center located at 835 Hudson Avenue.

The purchase amount was established through an independent appraisal prepared by Allen Fitzpatrick, SRA. The district is allocating \$3.35 million in bond funds for this project. This allocation includes money to cover the cost of this acquisition.

A public hearing is required.

Respectfully submitted,  
Robert J. Duffy

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Mayor

Introductory No. 6

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR  
CONDEMNATION OF 286 BERLIN STREET FOR THE  
ROCHESTER CITY SCHOOL DISTRICT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcel for use for the Rochester City School District Service Center at 835 Hudson Avenue:

<u>Address</u>	<u>SBL#</u>	<u>Owner</u>	<u>Lot Size</u>	<u>Type</u>	<u>Amount</u>
286 Berlin St.	091.810-003-065	Natalie Webb	40 x 81.93	Vacant Land	\$400

Section 2. The acquisition and necessary closing costs shall be funded by the City School District.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-6  
Re: Zoning Map Amendment - 105 and  
107 Hickory Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties at 105 and 107 Hickory Street from R-2 Medium Density Residential to C-2 Community Center District.

The rezoning is being requested by Konar Properties in conjunction with their proposed mixed-use development project at 661 South Avenue and 105 and 107 Hickory Street. The project includes the demolition of two residential structures at 105 and 107 Hickory Street and the construction of a four-story, 44,000 square foot structure with accessory parking at the rear of the structure and accessory garages at 105 and 107 Hickory Street. The first floor will be developed for commercial tenancies with twenty-four apartments on the remaining three floors.

The project is currently undergoing Site Plan Review.

The Planning Commission held an informational meeting on December 18, 2006. By a vote of 6-0-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning as Lead Agency has determined that the proposal will not result in any significant environment impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-3

Ordinance No. 2007-6  
(Int. No. 7)

Changing The Zoning Classification Of 105 And 107 Hickory Street  
From R-2 Medium Density Residential To C-2 Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 105 and 107 Hickory Street, from R-2 Medium Density Residential to C-2 Community Center:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly known and described as part of Lots 88 & 89 of the Munger Tract, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 65. Said part of Lots 88 & 89 and the adjoining portion of Hickory Street to be rezoned are more particularly bounded and described as follows:

Beginning at the intersection of the south ROW line of Hickory Street (60' ROW) and the northwest corner of said Lot 88, said intersection also being the northwest corner of Lot 1 of the Martha Hussey Subdivision, as filed in Liber 58 of Maps, Page 31 and being the Point or Place of Beginning; thence

- 1) Northerly, along the projection of the west line of said Lots 88 & 89 and Lot 1, a distance of 30.3 feet, more or less, to the centerline of said Hickory Street; thence
- 2) Easterly, along said centerline, a distance of 79 feet, more or less, to the northerly projection of the east line of Lot 2 of the said Martha Hussey Subdivision; thence
- 3) Southerly, along said east line of Lot 2 and it's projections, a distance of 122.0 feet, more or less, to the northerly line of lands of Gregory Street Transfer LLC, as conveyed in Liber 9972 of Deeds, Page 412; thence
- 4) Southwesterly, along said northerly line of Gregory Street Transfer LLC, a distance of 71.64 feet to the northwest corner thereof, said corner also being the west line of said Lot 89 of the Munger Tract; thence
- 5) Northerly, along said west line of Lot 89 & 88 of the Munger Tract and the west line of said Lot 1 of the Hussey Subdivision, a distance of 104.2 feet to the northwest corner of said Lot 1 and said Lot 88, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-7  
Re: Zoning Map Amendment -  
Colgate Rochester Divinity School,  
1100 S. Goodman Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning a portion of the Colgate Rochester Divinity School campus (CRDS) from IPD Institutional Planned Development to R-1 Low Density Residential.

The rezoning is requested by Colgate Divinity School in conjunction with a recently approved subdivision at 1100 S. Goodman Street from one lot into two lots. The subdivision and rezoning will allow CRDS to sell

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the newly created parcel (Lot 2) to Highland Parkway, LLC to meet the terms and conditions of a 99-year ground lease.

Lot 2 contains two multi-family residential buildings that were built as apartment buildings for use by Colgate Divinity students, which have been continuously utilized. The parcel will be combined with, and will be known as, 117-125 Highland Parkway. Under the R-1 zoning classification, the apartment buildings are considered to be nonconforming uses. Future expansion of these buildings is prohibited under the R-1 use regulations.

In August of 2003, a 99-year ground lease agreement was negotiated by the two parties, with a condition that a resubdivision occur August 15, 2006. City Council considered a similar rezoning request at its November 2002 meeting, but the request was tabled.

The Planning Commission held an informational meeting on December 18, 2006. By a vote of 6-0-0 the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an unlisted action.

A public hearing is required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-4

Ordinance No. 2007-7  
(Int. No. 22)

Changing The Zoning Classification Of A Portion Of 1100 South  
Goodman Street, As Subdivided And Combined With 117-125  
Highland Parkway, From Institutional Planned Development (IPD)-  
Colgate Rochester Divinity School, To R-1 Low Density Residential

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting a portion of 1100 South Goodman Street, as subdivided and combined with 117-125 Highland Parkway, from Institutional Planned Development (IPD)-Colgate Rochester Divinity School, to R-1 Low Density Residential:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly known and described as Lot 2 of the Colgate Rochester Divinity School Subdivision, prepared by Erdman, Anthony, and Associates, Inc., dated July 26, 2006. Said Lot 2 and the adjoining portion of Highland Parkway are more particularly bounded and described as follows:

Beginning at the intersection of the southerly ROW line of Highland Parkway (50' ROW) and the northwest corner of said Lot 2, said intersection being the Point or Place of Beginning; thence

- 1) N 02° 54' 56" W, along the northerly projection of the west line of said Lot 2, a distance of 25.0 feet to the centerline of said Highland Parkway; thence
- 2) N 87° 05' 04" E, along said centerline, a distance of 50.00 feet to a point; thence
- 3) S 02° 54' 56" E, along the east line of said Lot 2 and it's projection, a distance of 145.71 feet to the southwest corner of Lot 58 of the Highland Parkway Tract, as filed in the Monroe County Clerk's Office in Liber 55 of Maps, Page 19; thence

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- 4) N 87° 04' 44" E, along the south line of said Highland Parkway Tract, a distance of 115.00 feet to the northwest corner of Lot R-46 of the Summit View Resubdivision; thence
- 5) S 17° 45' 57" W, along the west line of said Summit View Resubdivision and the east line of said Lot 2, a distance of 154.93 feet to the southeast corner of said Lot 2; thence
- 6) S 89° 42' 26" W, along the south line of said Lot 2, a distance of 243.00 feet to the southwest corner thereof; thence
- 7) N 27° 54' 06" W, along the west line of said Lot 2, a distance of 147.60 feet to the south line of said Highland Parkway Tract; thence
- 8) N 87° 04' 44" E, along said south line, a distance of 194.81 feet to the southeasterly corner of Lot 56 of the Highland Parkway Tract; thence
- 9) N 02° 54' 56" W, along the east line of said Lot 56, a distance of 120.71 feet to the south line of said Highland Parkway and the northwest corner of said Lot 2, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-8, Ordinance No. 2007-9

And Ordinance No. 2007-10

Re: Mildred Johnson Estates

Transmitted herewith for your approval is legislation relating to the Mildred Johnson Estates Affordable Housing Project being undertaken by Housing Opportunities, Inc. This legislation will:

1. Authorize the sale of 23 City-owned vacant lots to Housing Opportunities, Inc. (HOP), or a subsidiary to be formed for the project;
2. Authorize property tax exemptions and payment-in-lieu-of-taxes agreements for the project;
3. Authorize an agreement not to exceed \$100,000, with HOP, or a subsidiary to be formed for the project, in the form of a loan, to subsidize the construction of five of the units to be constructed;
4. Appropriate \$100,000 from the Rental Housing Fund Allocation of the 2006 HOME Program to fund the agreement with HOP; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits.

Mildred Johnson Estates will include twenty-three single family rental housing units to be built on scattered sites in the 14621 neighborhood in northeast Rochester. The sites are in areas identified as Challenged Street Projects by the Bureau of Neighborhood Empowerment Team (NET). A property list and map are attached.

HOP has recently been awarded Low Income Housing Tax Credits (LIHTC) and New York State Housing Trust funds for the construction of this project. All units will be for families with 50% or less of median income. Five units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority, and four units will be reserved for victims of domestic violence with services provided by Sojourner House. At the end of the fifteen-year tax credit compliance period, the single-family homes will be offered to the tenants for purchase.

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Ten homes will be three bedroom colonial style; eight will be four bedroom colonial style; and five will be three bedroom handicapped accessible ranch style.

Project Budget

Costs:	Property acquisition	\$ 11,575
	Soft costs	431,693
	Construction	3,799,494
	Construction contingency	194,042
	Developer fee	664,946
	Reserves	51,017
	Working capital	51,000
	Syndication cost	<u>50,000</u>
	Total	\$5,253,767
Sources:	City HOME Program	\$ 100,000
	LIHTC Equity	4,324,000
	NYS Housing Trust Fund	<u>829,767</u>
	Total	\$5,253,767

The City's funds will be used to partially fund five handicapped-accessible homes via a 30-year permanent loan with interest at the Applicable Federal Rate (AFR) and annual interest payments of 1%. The proposed in-lieu of tax agreement would provide a 30-year tax exemption in consideration for an annual in-lieu tax payment equal to 10% of the project shelter rents (gross rents less utility costs).

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-5

Ordinance No. 2007-8  
(Int. No. 419, As Amended)

Authorizing The Sale Of Real Estate For The Mildred Johnson  
Estates Affordable Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Housing Opportunities Housing Development Fund Corporation, for the following amounts, for the construction of housing as a part of the Mildred Johnson Estates Affordable Housing Project:

Address	Dimensions	SBL #	Price
17 Alphonse Street	71' x 144'	106.32-2-40.1	\$600
29 Alphonse Street	71' x 144'	106.32-2-42.1	600
50 Alphonse Street	48' x 137'	106.32-2-61	475
8 Bernard Street	72' x 120'	106.24-2-70	525
28 Bernard Street	69' x 150'	106.24-2-66.[1]2	600
82 Bernard Street	53' x 150'	106.24-3-44.1	450
88 Bernard Street	53' x 150'	106.24-3-43.1	450
98 Bernard Street	53' x 150'	106.24-3-41.1	450
126 Bernard Street	66' x 150'	106.24-3-35.1	550
63 Maria Street	51' x 138'	106.32-1-47	500
65 Maria Street	52' x 139'	106.32-1-46	500
67 Maria Street	39' x 139'	106.32-1-45	450
71 Maria Street	53' x 138'	106.23-3-63.1	500
73 Maria Street	53' x 138'	106.23-3-62.1	500
74 Maria Street	66' x 106'	106.32-1-4.1	475



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75 Maria Street	53' x 138'	106.23-3-60.1	500
77 Maria Street	53' x 138'	106.23-3-57.3	500
80 Maria Street	49' x 145'	106.24-2-71.1	500
81 Maria Street	53' x 138'	106.23-3-57.2	500
84 Maria Street	49' x 158'	106.24-2-73.1	500
105 Thomas Street	44' x 146'	106.32-1-12.1	475
109 Thomas Street	44' x 146'	106.32-1-10.1	475
122 Thomas Street	100' x 75'	106.24-3-49.1	500

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-9  
(Int. No. 420, As Amended)

Approving A Property Tax Exemption And Authorizing An In Lieu  
Of Tax Agreement For The Mildred Johnson Estates Affordable  
Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Housing Opportunities Housing Development Fund Corporation, and to be used for housing as a part of the Mildred Johnson Estates Affordable Housing Project:

Address	SBL #
17 Alphonse Street	106.32-2-40.1
29 Alphonse Street	106.32-2-42.1
50 Alphonse Street	106.32-2-61
8 Bernard Street	106.24-2-70
28 Bernard Street	106.24-2-66.[1]2
82 Bernard Street	106.24-3-44.1
88 Bernard Street	106.24-3-43.1
98 Bernard Street	106.24-3-41.1
126 Bernard Street	106.24-3-35.1
63 Maria Street	106.32-1-47
65 Maria Street	106.32-1-46
67 Maria Street	106.32-1-45
71 Maria Street	106.23-3-63.1
73 Maria Street	106.23-3-62.1
74 Maria Street	106.32-1-4.1
75 Maria Street	106.23-3-60.1
77 Maria Street	106.23-3-57.3
80 Maria Street	106.24-2-71.1
81 Maria Street	106.23-3-57.2
84 Maria Street	106.24-2-73.1
105 Thomas Street	106.32-1-12.1
109 Thomas Street	106.32-1-10.1
122 Thomas Street	106.24-3-49.1

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Housing Opportunities Housing Development Fund

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Corporation, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-10  
(Int. No. 421, As Amended)

Approving A Loan Agreement For The Mildred Johnson Estates  
Affordable Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Housing Opportunities, Inc., or a limited partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Mildred Johnson Estates Affordable Housing Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project. The developer shall make all best efforts to ensure that a reasonable portion of the workforce for this project consists of residents of the City and the immediate neighborhood. Following completion of construction, a report shall be submitted to the City detailing the results of these efforts.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2006 HOME Program Funds.

Section 3. The Mayor is further authorized to enter into such agreements as may be necessary to implement the Mildred Johnson Estates Affordable Housing Project.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 2 from committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

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Transmittal letter appears on page \_\_\_\_\_ of the current Council Proceedings.

Ordinance No. 2007-11  
(Int. No. 2)

**Amending Ordinance No. 2005-208 Relating To The Sale Of  
Real Estate**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-208, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 392 Jay Street, as approved in Section 1, from Nothnagle Property Management, LLC to David T. Nothnagle.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Stevenson  
January 16, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 8 - Authorizing Agreements For Hazardous Materials Services

Int. No. 9 - Establishing Maximum Compensation For A Professional Services Agreement For  
Environmental Cleanup Of 935 West Broad Street

Respectfully submitted,  
Robert J. Stevenson  
John F. Lightfoot  
William F. Pritchard  
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-12  
Re: Agreements - Hazardous  
Materials Services

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of various services related to hazardous materials management:

Company

Address

NY Environmental Technologies, Inc.  
MARCOR Remediation, Inc.  
TREC Environmental, Inc.  
OP-Tech Environmental

230 McKee Road, Rochester, 14611  
460 Buffalo Road, Suite 5, Rochester, 14611  
1018 Washington Street, Spencerport, 14559  
305 Commerce Drive, Rochester 14623

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The agreements will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services, or from capital funds appropriated for specific environmental projects.

The City routinely has a need for various services relating to the identification, disposal and remediation of hazardous materials. These services include:

- Testing and characterization of wastes;
- Preparation, transportation and disposal of hazardous wastes and hazardous materials;
- Removal of wastes routinely generated at City facilities, discovered on properties and rights-of-way owned by the City, or identified by the Rochester Fire Department;
- Removal of underground storage tanks from development parcels;
- Investigation and remediation of sites contaminated with hazardous substance;
- Emergency clean-up of spills;
- Abatement of asbestos, lead and mold contaminated materials; and
- Indoor air quality evaluation.

Similar agreements for these services have been in place since 1992.

In November 2006, the Department of Environmental Services solicited proposals from four environmental/hazardous materials services firms. Proposals received from all four companies, NY Environmental Technologies, Inc., MARCOR Remediation, TREC Environmental and OP-Tech Environmental are recommended for these services based on the variety and availability of services provided, cost for services, qualifications and past experience.

These agreements will provide for continued hazardous materials management services to be provided at specified unit prices. The selection of the company will be based on project specific proposals, type of environmental services required, and the ability to perform the services within the time specified by the City.

The agreements will be for two years, with the option of two one-year renewals.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-12  
(Int. No. 8)

#### Authorizing Agreements For Hazardous Materials Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for hazardous materials services as required by the City:

<u>Company</u>	<u>Address</u>
MARCOR Remediation, Inc.	460 Buffalo Road, Suite 5
NY Environmental Technologies, Inc.	230 McKee Road
TREC Environmental, Inc.	1018 Washington Street
OP-Tech Environmental	305 Commerce Drive

Section 2. Each agreement shall have a term of two years, with provision for annual renewals for an additional two years. Each agreement shall provide for services to be performed on an as needed basis, and shall establish a unit price to be paid for a particular service. The unit price may be adjusted during the renewal years with the approval of the Manager of Environmental Quality. The cost of said services shall be funded from the annual budgets or from project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

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Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-13

Re: Brownfield Cleanup - 935 West  
Broad Street

Transmitted herewith for your approval is legislation establishing \$400,000 as maximum compensation for an agreement with LaBella Associates for the cleanup of a brownfield property at 935 West Broad Street; and appropriating \$200,000 in U.S. Environmental Protection Agency (USEPA) brownfield cleanup grant funds to partially fund the agreement (\$190,000) and to cover City management costs for the project (\$10,000). The remaining cost of this agreement, \$210,000, will be financed from 2005-06 Cash Capital allocation of the Department of Environmental Services.

The property, approximately 0.58-acres in area, was occupied from 1929 to 1974 by petroleum distributor Morse HH Oil, Inc. and Morse Tank car station, and then by the Caribbean Service Station and Auto Body Shop from 1979 until 1994, when it was abandoned.

The City acquired the property through tax foreclosure in 2003 and, in 2004, removed four underground storage tanks, piping, the pump and waste materials, and demolished the buildings. Phase I and Phase II environmental investigations, funded by EPA grants, conducted in 2005 identified extensive soil and groundwater contamination around the area of the former pump island, the former gas station building, the underground storage tank pit, and along the southern property line of the Site. Petroleum impacts have also migrated south of the site onto the adjacent City-owned property at 399 Saxton Street.

A Request For Proposal for remediation services was published in the *Rochester Democrat and Chronicle* on October 27, 2006. Proposals received from LaBella, Passero Associates, and O'Brien and Gere were evaluated for technical approach, qualifications and experience, and project cost. Each firm was interviewed, and references were checked. LaBella Associates, is recommended based on the quality and scope of its proposal, knowledge of site conditions, experience with the USEPA Brownfield programs, the proposed project team, and reasonableness of costs.

LaBella Associates will perform the cleanup which includes a soil removal program, installation of an oxygen injection system to treat contaminated groundwater, a groundwater monitoring network to evaluate groundwater quality, and an exposure assessment. The budget for services is \$344,600, with a contingency amount of \$55,400.

This agreement will have an initial term of two years with a renewal option of an additional year. Adjustment to the specific unit prices during the third year will be permitted subject to the City's approval. Remedial construction activities are anticipated to take approximately six months to complete; the total project, including groundwater treatment and monitoring, is anticipated take one to two years to complete.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-6

Ordinance No. 2007-13  
(Int. No. 9)

Establishing Maximum Compensation For A Professional Services  
Agreement For Environmental Cleanup Of 935 West Broad Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

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Section 1. The sum of \$400,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for environmental cleanup of 935 West Broad Street. The agreement shall have a term of one year, with two one-year renewal options. Of said amount, \$190,000 is hereby appropriated from 2006 Brownfield Grant Funds from the United States Environmental Protection Agency and \$210,000 shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

---

By Councilmember Douglas  
January 16, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 10 - Cancellation Of Taxes And Charges

Int. No. 11 - Establishing Maximum Compensation For A Professional Services Agreement For The Junior Recreation Leader 2 Program And Amending The 2006-07 Budget

Int. No. 12 - Establishing Maximum Compensation For A Professional Services Agreement With The Freedom Trail Commission

Int. No. 18 - Resolution Approving Appointments To The Board Of Assessment Review

Int. No. 19 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 23 - Establishing Maximum Compensation For A Professional Services Agreement For The Adult Softball Program

Int. No. 24 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Services, As Amended

Int. No. 25 - Amending Ordinances No. 2006-121 And 2006-122 And The 2006-07 Budget, Appropriating Funds And Authorizing Agreements For The Rochester After School Academy Program

Int. No. 29 - 2006-07 Debt Resolution For The City School District

The Finance & Public Services Committee recommends for Consideration the following entitled legislation:

Int. No. 30 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$16,351,225 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,  
Benjamin L. Douglas  
Carolee A. Conklin  
Dana K. Miller  
Lois J. Giess  
Gladys Santiago (*Voted on Introductory No.'s 29 and 30*)  
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

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TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-14  
Re: Cancellation or Refund of Erroneous  
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$11,199.55.

The three properties had code violations in the amount of \$11,199.55.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$376,495.70.

	<u>Accounts</u>	<u>Amounts</u>
City Council	77	\$314,618.69
Administrative	<u>157</u>	<u>61,877.01</u>
Total	234	\$376,495.70

These cancellations represent .163% of the taxes receivable as of July 1, 2006.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-14  
(Int. No. 10)

#### Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

S.B.L.#	Class	Address	Tax Year	Amount Cancelled
105.500-0001-018	H	291 Sherman St.	2007	\$ 4,500.00
107.370-0002-017.001	H	51-53 Cummings St.	2007	2,400.00
107.710-0001-081.000	H	88 Kingston St.	2002	1,123.22
107.710-0001-081.000	H	88 Kingston St.	2003	2,176.33
107.710-0001-081.000	H	88 Kingston St.	2005	<u>1,000.00</u>
Grand Total				\$11,199.55

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-15  
Re: CDBG Appropriation - Junior  
Recreation Leader 2/Center  
for Youth Services

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Transmitted herewith for your approval is legislation establishing \$16,375 as maximum compensation for an agreement with the Center for Youth Services to provide job readiness training and summer payroll for youth; appropriating \$23,900 from the General Community Needs allocation of the 2004-05 Community Development Block Grant to finance the Junior Recreation Leader 2 Program and amending the 2006-07 Budget of the Department of Recreation and Youth Services by this amount.

This agreement will allow an additional twelve youth to be included in the Junior Recreation Leader Program. These youth, currently working with City Recreation Department, will receive stipends for summer employment after completing school year requirements for the program. These school year activities include tutoring twice a week with RIT students, and civic engagement, conflict resolution and job readiness activities.

This program prepares youth for participation in Summer of Opportunity jobs.

A program description is attached.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-7

Ordinance No. 2007-15  
(Int. No. 11)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Junior Recreation Leader 2 Program And  
Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$16,375, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Youth Services for job readiness training and a summer payroll for youth as a part of the Junior Recreation Leader 2 Program. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$23,900, which amount is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-16  
Re: Agreement - Rochester/Monroe  
County Freedom Trail Commission

Transmitted herewith for your approval is legislation authorizing \$25,000 as maximum compensation for an agreement with the Rochester-Monroe County Freedom Trail Commission, c/o David Anderson, 181 Royleston Road, Rochester, NY 14609, to coordinate a conference and events recognizing Frederick Douglass and the Underground Railroad in Western New York. This agreement will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services.



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The Freedom Trail Commission will hire a consultant to organize and implement a scholarly conference on Frederick Douglass and the Underground Railroad in Western New York. The conference will take place in Rochester and Monroe County in September 2007. The consultant will organize and complete all aspects of planning and implementing the program, including sponsor development, coordination of program and speakers, budget management, and on-site logistics.

The Commission has also requested \$25,000 from the County of Monroe, for a total of \$50,000 in local funding; it is expected that this funding will be matched by the National Underground Railroad Freedom Center in Cincinnati. The goal of the conference is to disseminate up-to-date, accurate information about Frederick Douglass and other individuals and events related to the Underground Railroad in Western New York. Included will be a keynote speaker, ten scholar/historians and other experts to present to 300-500 conference registrants. In addition, there are plans for a Heritage Festival of Events to run from February through December 2007.

The conference and events, much of which will celebrate Rochester's multi-racial Underground Railroad legacy, will contribute to the dynamic quality of life in our city and advance multi-racial and multi-ethnic understanding. It will support the City's priorities of education and economic development.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-8

Ordinance No. 2007-16  
(Int. No. 12)

Establishing Maximum Compensation For A Professional Services  
Agreement With The Freedom Trail Commission

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester-Monroe County Freedom Trail Commission, c/o David Anderson, for coordination of a conference on Frederick Douglass and the Underground Railroad in Western New York. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Resolution No. 2007-2  
Appointment - Board Of  
Assessment Review

Transmitted herewith for your approval is legislation to approve the appointment of the following individual to the Board of Assessment Review:

Carlos H. Mercado, Jr.  
12 Vick Park A  
Rochester, NY 14607

Mr. Mercado will replace William G. Coppard, whose term has expired and who has also relocated outside of Rochester.

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Mr. Mercado has extensive banking experience and is well versed in multiple aspects of finance. His experience will be especially valuable in commercial and industrial assessment cases. A copy of his resume is on file in the City Clerk's Office.

Respectfully submitted,  
Lois J. Giess  
President

Resolution No. 2007-2  
(Int. No. 18)

Resolution Approving Appointments To The Board Of Assessment  
Review

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Carlos H. Mercado, Jr., 12 Vick Park A, Rochester, NY 14607 to the Board of Assessment Review for a term that will expire on September 30, 2011.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2007-3  
Re: Temporary Appointments - Board  
of Assessment Review

Transmitted herewith for your approval is legislation appointing the following individuals to serve as temporary members of the Board of Assessment Review:

Ruth Brooks Ward	Peter J. Easterly	Eileen M. Mance
104 Melrose Street	65 Beacon Street	95 Merriman Street
Rochester, NY 14619	Rochester, NY 14607	Rochester, NY 14607

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that only three panelists will be required for the workload in the coming cycle since a full revaluation was completed in 2004.

The three temporary members would each serve for one year and would receive the same compensation rate as permanent board members. Hearings will be conducted by panels of three members each, drawn from the pool of eleven. Each panel would have a minimum of one permanent Board member who would serve as its Chair.

The City successfully utilized three-member assessment review panels during the revaluations of 1984, 1986, 1990, 1996, 2000, and 2004, as well as during the intervening years. As in the past, all panel decisions would be reviewed by the permanent Board in executive session. The Board of Assessment Review would have the option of accepting or modifying a panel's decision or, if necessary, scheduling a second hearing with the property owner and the Assessor to reexamine the facts and testimony.

Approval of the appointments will allow members to receive mandatory training by the County before hearings begin in March. The appointment of additional board members will have no impact on the City's budget.

Respectfully submitted,  
Lois J. Giess

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President

Resolution No. 2007-3  
(Int. No. 19)

Resolution Appointing Temporary Members To The Board Of  
Assessment Review

Section 1. The Council hereby appoints the following persons to serve as temporary members of the Board of Assessment Review during 2007:

Ruth Brooks Ward  
104 Melrose Street  
Rochester, NY 14619

Peter J. Easterly  
65 Beacon Street  
Rochester, NY 14607

Eileen M. Mance  
95 Merriman Street  
Rochester, NY 14607

Section 2. The temporary members of the Board of Assessment Review shall be compensated in the same amount and manner as permanent Board members.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-17  
Re: Adult Softball Agreement

Transmitted herewith for your approval is legislation establishing \$165,000 as maximum compensation for an agreement with Brooklyn Sports Management (principal, Andrew Yazwinski), for administration of the Adult Softball Program. This cost will be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

The term will be from February 24 through December 31, 2007 with an option for four additional one-year terms. The leagues are fee-based; revenue covers all associated costs.

A Request For Qualifications appeared in the December 18 and December 20 issues of the Democrat and Chronicle and City Newspaper, respectively. Brooklyn Sports Management was the only response received; Mr. Yazwinski has operated the program for the City since 1982.

The adult softball program provides organized leagues for both men and women. In 2006, 4,374 people played on 243 teams on the City's softball fields at Cobbs Hill and Norton Village.

For 2007, Brooklyn Sports Management will provide the following services:

- Obtaining any insurance policies prescribed by the Director of Finance;
- Coordinating and managing the program in accordance with policies and procedures established by the Bureau of Recreation and Youth Services;
- Registering all teams and scheduling all games;
- Instructing team representatives concerning rules and regulations, and conducting a clinic by umpires;
- Hiring and scheduling all umpires;
- Preparing and maintaining fields for use by the adult and interscholastic league teams;
- Providing all equipment, supplies, and trophies;
- Supervising all games; and
- Recording all game results and printing team standings and league newsletter.

The payment to the contractor for the initial year of this agreement will be equal to \$300 per registered team, plus reimbursement of all operating costs approved by the City. The agreement will continue to

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provide for direct control by the City of all receipts and disbursements. A summary of the revenues and expenses of the program is attached.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-9

Ordinance No. 2007-17  
(Int. No. 23)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Adult Softball Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year for a professional services agreement between the City and Brooklyn Sports Management for the continued operation of the adult recreational softball program for a term of one year, with options to renew for four additional one-year terms. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services. Amounts for the renewal years shall not exceed those set forth in the annual budgets of the Department of Recreation and Youth Services for said purpose, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-18  
Re: Labor Relations Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Daniel C. Wissman, Pittsford NY, to provide labor relations services to the City of Rochester. This legislation will increase the amount of the agreement from \$10,000 to \$40,000, and extend the time period from February 28, 2007 to April 30, 2007. The extension will be financed from the 2006-07 operating budget of the Bureau of Human Resource Management. This extension will allow time for recruitment and interviews for a nationwide search for a permanent Manager of Labor Relations.

The City contracted with Mr. Wissman on December 1, 2006 to provide labor relations services on a temporary basis. The services include: management of the Labor Relations unit, grievance administration, collective bargaining, representation of the City at grievances and Public Employment Relations Board hearings, general consulting services to City management regarding labor matters, and assistance in the selection process for Labor Relations staff, as requested. For the amendatory contract, in addition to these services, Mr. Wissman will also provide training on labor relations.

Wissman was selected because he had served well in the position of Manager of Labor Relations until his retirement in 2001, and because of his familiarity with the organization, staff and labor issues.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-18  
(Int. No. 24, As Amended)

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Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Labor Relations Services And  
Amending Ordinance No. 2006-385

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Daniel Wissman for labor relations services. Said amount shall be funded from the 2006-07 Budget of the Bureau of Human Resource Management.

Section 2. Ordinance No. 2006-385, relating to an agreement for Federal lobbying services, is hereby amended by changing the source of funds from the 2006-07 Budget of the Office of the Mayor to the 2006-07 Budget for Undistributed Expense.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2007-19  
Amendatory Agreements -  
RASA I & II, 21st Century  
Community Learning Centers  
Program

Transmitted herewith for your approval is legislation related to the New York State 21st Century Community Learning Centers Program, RASA (Rochester After School Academy) I and RASA II. There are several reallocations of funds that require budget amendments, amendatory agreements and authorization of agreements.

New Funds

An additional \$58,400 has been received from the NY State Department of Education as a result of an approved increase in the rate of reimbursement for indirect costs. Legislation requested is as follows:

1. Appropriating these funds for use with RASA I and RASA II programming. \$43,400 is targeted for summer jobs for youth, special events and parent support activities; and
2. Establishing \$15,000 as maximum compensation for an agreement with the Children's Institute to conduct the Youth Program Quality Assessment, which is a tool developed by High Scope Research Foundation. The YPQA is in its second year of a three-year pilot and is jointly funded by the City, the Rochester Area Community Foundation and the Rochester-Monroe County Youth Board.

RASA I Amendments

Requested legislation:

1. Amend Ordinance No. 2006-121 by eliminating the RASA contract with the Rochester City School District for \$11,788;
2. Reappropriate those funds to be used as follows:
  - a. Amend the 2006-07 Budget of the Department of Recreation and Youth Services operating budget by \$6,800 to cover retroactive staff salary increases; and
  - b. Authorize an amendatory agreement with the University of Rochester (Ordinance No. 2006-175), increasing the amount by \$5,000 to a total of \$19,900 for a RASA Work Experience program for nineteen participants to undertake a survey and report on the needs of youth in the Rochester Children's Zone.

RASA II Amendments

Requested legislation:

1. Amend Ordinance No. 2006-122 by eliminating the \$2,012 agreement with the Rochester City School District, and reducing by \$40,000 the agreement with the Rochester School for the Deaf;
2. Reappropriate these funds to be used as follows:
  - a. Amend the 2006-07 Budget of the Department of Recreation and Youth Services by \$12,300 for seasonal staff salaries, fringe benefits and printing costs associated with RASA II.
  - b. Establish \$29,700 as maximum compensation for an agreement with the Xerox Center for Multi-Cultural Teacher Education at SUNY Geneseo to support the Young Scholars Academy, a partnership with the Rochester City School District, to provide RASA students with an orientation to college over three weekends during the school year, and an on-campus educational experience during the 2007 summer.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-19  
(Int. No. 25)

Amending Ordinances No. 2006-121 And 2006-122 And The 2006-07  
Budget, Appropriating Funds And Authorizing Agreements For The  
Rochester After School Academy Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the New York 21st Century Community Learning Centers Program Funds the sum of \$43,400, or so much thereof as may be necessary, to fund the Rochester After School Academy (RASA) Program I and II expenses for summer jobs for youth, special events and parent support activities.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Children's Institute to conduct the Youth Program Quality Assessment. The agreement shall obligate the City to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the New York 21st Century Community Learning Centers Program Funds.

Section 3. Ordinance No. 2006-121, relating to the Rochester After School Academy (RASA) I Program, is hereby amended by deleting the authorization in Section 2 for the agreement with the Rochester City School District and by reducing the appropriation in Section 3 from the New York 21st Century Community Learning Centers Program Funds by the sum of \$11,788 for this agreement.

Section 4. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$6,800, which amount is hereby reappropriated from the funds reduced in Section 3 to fund staff for RASA I.

Section 5. The Mayor is hereby further authorized to enter into an amendatory agreement with the University of Rochester for a RASA Work Experience Program for a survey on the needs of youth in the Rochester Children's Zone. The amendatory agreement shall obligate the City to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the funds reduced in Section 3.

Section 6. Ordinance No. 2006-122, relating to the Rochester After School Academy (RASA) II Program, is hereby amended by deleting the authorization in Section 2 for the agreement with the Rochester City School District and by reducing the appropriation in Section 3 from the New York 21st Century Community Learning Centers Program Funds by the sum of \$2,012 for this agreement, and by reducing the amount authorized and appropriated for the Rochester School for the Deaf by \$40,000.

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Section 7. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$12,300, which amount is hereby reappropriated from the funds reduced in Section 6 to fund staff and printing for RASA II.

Section 8. The Mayor is hereby further authorized to enter into an agreement with the Xerox Center for Multi-Cultural Teacher Education at SUNY Geneseo for the Rochester-Geneseo Young Scholars Academy. The agreement shall obligate the City to pay an amount not to exceed \$29,700, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the funds reduced in Section 6.

Section 9. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 10. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2007-4 And  
Ordinance No. 2007-20  
Re: Capital Improvement Program -  
City School District

Transmitted herewith for your approval is legislation relating to the Capital Improvement Program of the City School District. The legislation will:

1. Establish \$16,351,225 as the maximum amount of debt to be authorized on behalf of the District during 2006-07; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to make capital improvements to existing school buildings in the School District.

At its meeting of November 16, 2006, the Board of Education approved a capital plan that details the use of these funds for improvements and maintenance of educational facilities, fixtures, and equipment. The request was forwarded to the Mayor and City Council for approval of the borrowing required to implement this plan. By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed during that year. During 2006-07, the City School District will redeem \$16,559,625 in principal. Since the request limit is less than the principal redeemed, the request complies with the Council's debt limit.

A copy of the District's 2006-07 CIP bond request for Long-term Facility Improvements and New Construction is attached.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-10

Resolution No. 2007-4  
(Int. No. 29)

2006-07 Debt Resolution For The City School District

BE IT RESOLVED, by the Council of the City of Rochester as follows:

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WHEREAS, an important component of the City School District's expense budget and tax levy is debt service; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized for City School District purposes in fiscal year 2006-07 to \$16,351,225, which is less than the amount of debt to be redeemed in fiscal year 2006-07; and

BE IT FURTHER RESOLVED, that for all bonds authorized for the City School District, the following language shall be inserted into the bond ordinance:

The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of and adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Santiago, Stevenson - 8.

Nays - Councilmember Pritchard - 1.

Ordinance No. 2007-20  
(Int. No. 30)

Bond Ordinance Of The City Of Rochester, New York, Authorizing  
The Issuance Of \$16,351,225 Bonds Of Said City To Finance The  
Cost Of Construction And Renovation Of Various Public School  
Buildings Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$16,351,225, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$16,351,225 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation



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as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$16,351,225 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$16,351,225. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11.(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12.(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

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Adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Santiago, Stevenson - 8.

Nays - Councilmember Pritchard - 1.

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By Councilmember McFadden  
January 16, 2007

To the Council:

The Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 13 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 14 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2006-07 Budget

Int. No. 15 - Authorizing Agreements For Video Surveillance System Grants And Amending The 2006-07 Budget

Int. No. 26 - Establishing Maximum Compensation For A Professional Services Agreement For The Teen Court Program And Amending The 2006-07 Budget

Int. No. 27 - Authorizing An Agreement For An Anti-Gang Pilot Program And Amending The 2006-07 Budget

Int. No. 31 - Authorizing An Amendatory Professional Services Agreement For The Curfew Center And Amending The 2006-07 Budget

Int. No. 32 - Extending The Effective Date Of Ordinance No. 2006-246 Establishing A Nighttime Curfew For Minors

Respectfully submitted,  
Adam C. McFadden  
Dana K. Miller  
Robert J. Stevenson  
Lois J. Giess  
Gladys Santiago  
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2007-21  
STOP Violence Against  
Women Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for the acceptance and use of a \$52,200 grant for the STOP Violence Against Women Program (VAWA).

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The VAWA Program provides assistance to victims of domestic violence to ensure their immediate safety and to help them secure safe housing. Services include contacting victims prior to the arraignment of the perpetrators, legal advocacy, and other appropriate follow-up services to ensure their continued safety.

This is the eighth round of funding received under the VAWA program. The City's grant award for calendar year 2006, authorized by City Council in November 2005, was extended to March 31, 2007. The new award amount of \$52,200 is pro-rated to cover the remaining nine months of calendar 2007, as DCJS desires to get the program back on a calendar year cycle. No budget amendment is necessary, as the renewal and the required 25% match were anticipated in the 2006-07 Budget of the Police Department.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-21  
(Int. No. 13)

Authorizing An Application And Agreement For The STOP Violence  
Against Women Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the STOP Violence Against Women Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-22  
Re: Agreement - Governor's Traffic  
Safety Committee STEP Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the NYS Governor's Traffic Safety Committee (GTSC) for the acceptance and use of a \$17,972 grant for the Selective Traffic Enforcement Program (STEP); and amending the 2006-07 Budget by \$12,000 to reflect receipt and use of a portion of these funds. Remaining funds (\$5,972) will be included in the 2007-08 Police Budget request.

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. GTSC will reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents. Enforcement strategies include the use of Laser RADAR speed detection and saturation patrol with marked and unmarked police vehicles. During the previous funding period, 589 citations were issued to motorists for infractions related to unsafe or aggressive driving.

This is the fifth year of GTSC funding to the City under this program. The previous award was approved under City Council Ordinance No. 2006-29, adopted in February 2006.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-22  
(Int. No. 14)

Tuesday, January 16, 2007

Authorizing An Application And Agreement For The Selective  
Traffic Enforcement Program And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Governor's Traffic Safety Committee for funding for the Selective Traffic Enforcement Program (STEP).

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$12,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-23  
Re: NYS Legislative Grants for a  
Video Surveillance System in  
the City of Rochester

Transmitted herewith for your approval is legislation authorizing the receipt and use of legislative grants in the amounts of \$250,000 and \$150,000 in partial support of the development of a video surveillance system in certain high crime areas of the City, and amending the 2006-07 Cash Capital Allocation of the Police Department by \$400,000 to reflect the grants. These grants were made possible through the efforts of NY State Assembly Member Susan John and NY State Senator Joe Robach, respectively.

The surveillance system will include the installation of visible video cameras to monitor activity in areas of the City known to be used for open air drug markets, prostitution, and other crimes, in an effort to deter criminal activity. The legislative grants will augment City funding earmarked to purchase, operate, and train staff in the use of the video surveillance system. The total cost of the project is estimated at \$900,000. This is the first legislative grant funding the City has received for the project and no matching funds are required.

Also, \$5,000 was made available for this initiative in the 2006-07 Budget through an amendment sponsored by Councilmembers Carolee Conklin and Robert Stevenson.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-23  
(Int. No. 15)

Authorizing Agreements For Video Surveillance System Grants And  
Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for State of New York legislative grants to assist with the development of a video surveillance system in certain high crime areas of the city.

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Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$400,000, which amount is hereby appropriated from funds to be received under the grant agreements authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-24  
Re: Agreement -Teen Court Program

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with the Center for Dispute Settlement (CDS), to operate the City of Rochester's Teen Court Program through January 30, 2008; and amending the 2006-07 Budget by transferring \$100,000 from Contingency to the Mayor's Office to finance the cost of the agreement.

In October 2006, Council approved a temporary agreement with Valerie Sullivan for continued service while the City sought an external agency to administer the Teen Court Program on a permanent basis. This legislation will supercede that agreement.

The City has agreed to provide primary funding for one year, provide contract oversight, and assist in grant preparation to secure external funding for Teen Court as a stand-alone program. CDS will operate as the Teen Court program's central point of contact in collaboration with the Center for Youth. CDS has agreed to take administrative and operational responsibility for the program, including current contractual staff members. The Center for Youth will develop a tracking system for increased data collection and accountability, and will assign Case Managers for follow-up counseling with youth and families as part of the Teen Court process.

Both agencies have invested considerable time in developing this agreement, and are to be commended for their efforts. CDS is confident that the Teen Court caseload can be expanded to roughly 200 cases annually. It is anticipated that in-kind services will continue to be provided by Monroe County Court and City Court.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-24  
(Int. No. 26)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Teen Court Program And Amending The 2006-  
07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Dispute Settlement for operation of the Teen Court Program through January 30, 2008. Said amount shall be funded from the 2006-07 Budget of the Office of the Mayor.

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Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency allocation to the Office of the Mayor to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-25  
Re: Project Safe Neighborhoods

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$40,924 grant from the Rochester Institute of Technology for Pathways to Peace to conduct outreach activities for the Project Safe Neighborhood (PSN) Comprehensive Anti-gang Pilot Program; and amending the 2006-07 Budget of the Mayor's Office by this amount.

The funding will be used to support activities that support anti-gang prevention. Pathways will create a temporary staff position to focus on gang related activities in the "Crescent" area of Rochester, which is known to have a high concentration of gang-related activities, and youth most at risk of gang involvement.

Pathways staff will meet with and assist fifty youth in avoiding gang behavior by involving them in employment opportunities, positive asset building activities and educational advocacy. In addition to these street outreach activities, Pathways will work collaboratively with existing Human Services agencies for referrals of troubled youth.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-25  
(Int. No. 27)

Authorizing An Agreement For An Anti-Gang Pilot Program And  
Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology for funding for a Project Safe Neighborhoods Comprehensive Anti-Gang Pilot Program through Pathways to Peace.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Mayor's Office by the sum of \$41,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-26 And

Tuesday, January 16, 2007

Ordinance No. 2007-27  
Re: Nighttime Youth Curfew -  
Extension of Pilot Program

Transmitted herewith for your approval is legislation related to a further extension of the Pilot Curfew Program through September 4, 2007, creating a full year for thorough evaluation before a decision is made to commit to a permanent nighttime youth curfew. This legislation will:

1. Further amend Ordinance No. 2006-246 (as amended in November 2006 by Ordinance No. 2006-370) to extend the pilot period through September 4, 2007;
2. Further amend Ordinance No. 2006-247 (as amended in November 2006 by Ordinance No. 2006-371) to establish \$145,000 as maximum compensation for an agreement with Hillside Children's Center to continue to operate the facility for detained youth; and
3. Amend the 2006-07 Budget by transferring \$145,000 from Contingency to the Budget of the Department of Recreation and Youth Services to fund the agreement with Hillside; and transferring \$40,000 from Contingency to the Budget of the Mayor's Office (Communications) for marketing of the curfew program.

As you are aware, the Curfew pilot program was initially established in August to run from September 5 through December 4, 2006, and subsequently extended through January 31, 2007. This extension allowed for analysis of a full three months worth of data, while keeping the program in operation.

Because of the short duration of the evaluation period and the relatively small number of youth encountered, the three month report issued on December 22, 2006 contained insufficient data to fully evaluate the effects of the curfew. A full year of experience with the curfew will enable more data to be collected and analyzed, and will allow the curfew to be effective and to be evaluated both during the school year and the summer break, and during all seasons of the year. It is also important to note that the curfew establishes a consistent standard that can be adopted by both youth and their families to provide for the protection of our youth during the nighttime hours when the dangers of youth being involved in crime or victimization are great. The report is not able to measure the impact that the curfew has had in changing the habits of youth and keeping them off the streets and out of danger during nighttime hours.

While the report does show improvements in certain areas during curfew hours, including decreases in reported crime and juvenile victimizations, the data is not sufficient to directly relate the changes to the curfew program. However, police officers report that the curfew has served its stated purposes by allowing the officers to remove youth from dangerous situations in which they are likely to either become involved in criminal acts or the victims of crime. In addition, the enforcement of the curfew by the Rochester Police Department and the performance of the Hillside Children's Center has been exceptional. Youth found in violation of the curfew have been treated with care and have been promptly and safely returned to their homes or have been otherwise placed consistent with their status under law. No charges have been brought against youth for curfew violations. Hillside has also provided intervention services without charge to those youth and their families willing to receive the services. This intervention may well prevent those youth from becoming involved in crime or victimized in the future.

Given the benefits of the curfew, it would be appropriate to continue the program in order to provide a full year's worth of data and to provide a standard consistent with community expectations that can be adopted by youth and their families in order to protect our youth.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-26  
(Int. No. 31)

Authorizing An Amendatory Professional Services Agreement For  
The Curfew Center And Amending the 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Tuesday, January 16, 2007

Section 1. The sum of \$145,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Hillside Children's Center for the operation of a curfew center through September 4, 2007, as originally authorized by Ordinance No. 2006-247 and extended by Ordinance No. 2006-371. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$145,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund this agreement, and the sum of \$40,000 to the Office of the Mayor for marketing of the curfew program.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

Ordinance No. 2007-27  
(Int. No. 32, As Amended)

Extending The Effective Date Of Ordinance No. 2006-246  
Establishing A Nighttime Curfew For Minors

WHEREAS, by Ordinance No. 2006-246, the Council approved a new Chapter 45 of the Municipal Code establishing a nighttime curfew for minors; and

WHEREAS, the curfew was extended by Ordinance No. 2006-370 and is set to expire on January 31, 2007; and

WHEREAS, the Council finds that the original purposes of the curfew to prevent youth victimization and crime are still valid and that the curfew has allowed the Rochester Police Department to remove youth from dangerous situations and return them safely to their homes. The continuation of the curfew will allow the City to collect additional data so that a more comprehensive evaluation of the effect of the curfew can be made, through data obtained during all seasons of the year and while school is in session and on summer break. This additional trial period will continue to protect youth from violence and from being involved in crime, provide a standard consistent with community expectations that can be adopted by youth and their families in order to protect our youth, avoid the interruption of services provided to at-risk youth, and provide an opportunity for further adjustments to the curfew as indicated by the evaluation;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The nighttime curfew for minors set forth in Chapter 45 of the Municipal Code, as adopted by Ordinance No. 2006-246 and extended by Ordinance No. 2006-370, is hereby extended and shall remain in full force and effect until 5:00 a.m. on September 4, 2007.

Section 2. The Administration and the Public Safety Committee shall work to develop benchmarks that will measure progress toward reaching the Minneapolis curfew model. The Administration shall then submit reports on progress toward those benchmarks by May 15 and July 15, 2007 to ensure that all parties understand the degree of such progress prior to the expiration of this curfew.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Conklin - 1.



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By Councilmember Pritchard  
January 16, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 16 - Local Law Adding The Quality Containment Services Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 17 - Establishing Maximum Compensation For A Professional Services Agreement For Inspection Services For Demolition Of The Old Mortimer Street Garage

Int. No. 28 - Authorizing A Loan And Grant For The Redevelopment Of 206-208 Mill Street

Respectfully submitted,  
William F. Pritchard  
Adam C. McFadden  
Dana K. Miller  
Lois J. Giess  
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Law No. 1  
Re: New York State Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of Quality Containment Services Inc. to the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

The New York State Empire Zone Program allows local zones, with the approval of Empire State Development, to include regionally significant projects, i.e., manufacturing companies projecting 50 or more new jobs within an Empire Zone. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage.

Quality Containment Services, Inc. is expanding their manufacturing operation in the City. The company currently employs 30 employees and leases 30,000 square feet at the former Valeo site on Lyell Avenue, which is now owned by Maguire properties. The company is involved in inspection, containment, kitting, warehouse sequencing and light manufacturing for the automotive industry.

Their two-phase expansion project involves adding an additional 50,000 square feet at the Valeo facility and creating 53 new manufacturing jobs within five years.

Attached is the legal description of the project area to be included within the City of Rochester Empire Zone.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AG-11

Local Law No. 1  
(Int. No. 16)

Local Law Adding The Quality Containment Services Inc. Facilities  
To The City of Rochester Empire Zone As A Regionally Significant  
Project

WHEREAS, Quality Containment Services Inc. is proposing an expansion at the former Valeo facility in the City of Rochester; and

WHEREAS, this expansion will add 53 jobs that support Quality Containment Services Inc.'s on-site manufacturing; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(I) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(I) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Quality Containment Services Inc.'s manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the property described as follows: 1525-1685 Lyell Avenue, SBL #104.760-0001-003.004.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve this addition to the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-28  
Re: Inspection Services for Old Mortimer  
Street Garage Demolition

Transmitted herewith for your approval is legislation establishing \$56,000 as maximum compensation for an agreement with Passero Associates, 100 Liberty Pole Way, Rochester, for field inspection and construction administration services related to the asbestos abatement and demolition of the Old Mortimer Street Garage. The agreement will be funded from 2005-06 Cash Capital.

The demolition of the Mortimer Street Garage is expected to begin in late January 2007. It will require the abatement of asbestos containing materials.

Passero Associates is recommended for the inspection/administrative services because:

1. The size and location of the structure require an on-site inspector at all times during the process. Given the number of other demolitions the City is presently committed to, there are not sufficient City staff available to provide full-time inspection at Mortimer Street.

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2. Having developed the original specifications and plans for the Mortimer Street Demolition Project, Passero Associates has the specific knowledge to oversee the project.

The term of the agreement will be five months.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-28  
(Int. No. 17)

Establishing Maximum Compensation For A Professional Services  
Agreement For Inspection Services For Demolition Of The Old  
Mortimer Street Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$56,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for inspection and construction administration services related to the demolition of the Old Mortimer Street Garage. Said amount shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2007-29  
Re: 206-208 Mill Street Redevelopment

Transmitted herewith for your approval is legislation authorizing a loan of \$300,000 and a grant of \$200,000 to Plain Sight Collateral, LLC (Ben Kendig, Member) to be used for the redevelopment of 206-208 Mill Street. Funds for the loan and grant will be taken from the City Development Fund (Rental Housing Fund) as follows:

2001-02	\$173,876
2004-05	89,000
2005-06	<u>237,124</u>
	\$500,000

In August 2006, City Council authorized the sale of 206-208 Mill Street to an entity to be formed by Ben Kendig in order to preserve the historic structure and develop it for office and residential uses.

The four-story stone building, circa 1836, is located in the Browns Race Preservation District, which is listed on the National Register of Historic Places. The building will be renovated in accordance with the standards and requirements of the Preservation District, as well as those of the National Register. As such, the costs incurred in preserving original elements of the building will not be easily recovered through typical market rents.

The building requires significant structural repair due to years of vacancy and resultant deterioration. It also requires retrofitting to comply with current building and fire codes, including installation of an elevator, two new interior staircases, a sprinkler system, and completely new mechanical systems.

The original proposal for redeveloping the property included only repairs and stabilization necessary to permit reuse of the first floor as offices, with the remaining three floors to be undertaken as separate phases dictated by market demand. However, given the extensive amount of work required to retrofit the

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building and the impact this work will have on the first floor space, it is recommended that the City assist the developer in enabling this work to be accomplished in one phase.

The completed project will provide a minimum of six new residential units. The developer is approaching the project with a flexible plan that can accommodate market demand. The plan is to redevelop the upper three stories as six live/work suites, with two offices and two apartments per floor. Each two-bedroom apartment and its connecting office would contain approximately 2,000 square feet. If there is greater market demand, there is capability to build out more apartments than offices. There would also be flexibility to adjust the sizes of the apartments and offices based on the needs of tenants.

The total project has a budgeted cost of \$1,520,000 and can support private debt of approximately \$820,000. The remaining balance would be funded through a combination of City assistance and developer equity. The City's \$300,000 loan would be for a term of fifteen years at 3% interest. The \$200,000 grant would be utilized to finance elements of the project that are required to comply with historic preservation standards.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2007-29  
(Int. No. 28)

Authorizing A Loan And Grant For The Redevelopment Of 206-208  
Mill Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Plain Sight Collateral, LLC for the redevelopment of 206-208 Mill Street. The agreement shall obligate the City to pay an amount not to exceed \$300,000. The loan shall have a term of 15 years, with 3% annual interest, with annual payments of principal and interest.

Section 2. The Mayor is hereby further authorized to enter into a grant agreement with Plain Sight Collateral, LLC for funding for elements of the redevelopment of 206-208 Mill Street that are required to comply with historic preservation standards. The agreement shall obligate the City to pay an amount not to exceed \$200,000.

Section 3. In order to fund the agreements authorized herein, \$173,876 shall be funded from the 2001-02 City Development Fund, \$89,000 shall be funded from the 2004-05 City Development Fund and \$237,124 shall be funded from the 2005-06 City Development Fund.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:55 P.M.

DANIEL B. KARIN  
City Clerk